



**Planning Commission
Minutes of the March 24, 2016 Regular Meeting**

The meeting was called to order by Planning Commission Chairman Bianca at 5:30 p.m.

ATTENDEES

PLANNING COMMISSION MEMBERS

| | |
|---------------------------------------|---------|
| Planning Commission Chairman | |
| Damian Bianca, CAPZO | Present |
| Planning Commission Vice-Chair | |
| Troy Wesson, CAPZO | Present |
| City Council Member | |
| Michael Potter, CAPZO | Present |
| Tim Cowles, CAPZO | Present |
| Cynthia McCollum, CAPZO | Present |
| Steve Ryder, CAPZO | Present |
| Cameron Grounds, CAPZO | Present |
| Lewie L. Bates, CAPZO | Present |
| Stephen Brooks, CAPZO | Present |

PLANNING STAFF PRESENT

Gary Chynoweth P.E., Director of Engineering; Mary Beth Broeren, Director of Planning and Economic Development
Johnny Blizzard, AICP, Senior Planner; Ross Ivey, Assistant Planner; Megan Zingarelli,
Assistant Attorney

REGISTERED PUBLIC ATTENDEES

Judy Stewart McMurry, Melissa Gomez, Peggy Hough, Fred Hough, Susan Gunn, Kenneth Gunn, Timothy Baker, Fred Boseck, Daniel Nash, John Hoover, Veronica Carpenter, Chris Carpenter, Mark Richerson

ACCEPTANCE OF THE AGENDA

Chairman Bianca accepted the agenda as presented and proceeded with regular business.

COMMENTS

There were no comments from the Commission.

APPROVAL OF THE MINUTES

Mr. Ryder moved to approve the minutes of the February 18, 2016 Regular Meeting minutes. Mr. Bates seconded the motion.

Final Vote:

| | |
|---------------------------------|---------|
| Chairman, Damian Bianca | Aye |
| Vice-Chairman, Troy Wesson | Abstain |
| City Council Member Mike Potter | Abstain |
| Cynthia McCollum | Abstain |
| Steven Ryder | Aye |
| Cameron Grounds | Abstain |
| Lewie Bates | Aye |
| Stephen Brooks | Abstain |
| Tim Cowles | Aye |

OLD BUSINESS

There was no Old Business to discuss.

PUBLIC COMMENTS

There were no comments from the Public.

PUBLIC HEARINGS

Zoning Map Amendments

A public hearing to consider Dublin Farms, LLC request to rezone property located south of Norfolk Southern Railroad and west of Kyser Boulevard from M2, General Industrial to R-4, Multi-Family Residential District. *(Item originally tabled at the January 21, 2016 Meeting)*

Applicant Comments:

There were no comments from the applicant.

Staff Comments:

Mr. Blizzard informed the Commission that the applicant had requested that this item be withdrawn from the agenda.

Public Comments:

There were no comments from the public.

Commission Comments:

There were no comments from the Commission.

Motion:

Councilman Potter motioned to withdraw Dublin Farms, LLC request to rezone property located south of Norfolk Southern Railroad and west of Kyser Boulevard from M2, General Industrial to R-4, Multi-Family Residential District from the agenda. Mr. Wesson seconded the motion.

Final Vote:

| | |
|---------------------------------|-----|
| Chairman, Damian Bianca | Aye |
| Vice-Chairman, Troy Wesson | Aye |
| City Council Member Mike Potter | Aye |
| Cynthia McCollum | Aye |
| Steven Ryder | Aye |
| Cameron Grounds | Aye |
| Lewie Bates | Aye |
| Stephen Brooks | Aye |
| Tim Cowles | Aye |

Motion Carried

A public hearing to consider Concord Land Development, Inc. request to zone property located south of Halsey Drive and west of Hardiman Road to R-3A, Single-Family Detached Residential District. This zoning is in conjunction with a request for annexation into the City of Madison.

Applicant Comments:

Dan Nash, 2000 Andrew Jackson Way, presented the request and stated that he would answer any questions that the public or the Commission may have.

Staff Comments:

Mr. Blizzard informed the Commission that the subject properties are located west of Hardiman Road and south of Halsey Drive. In November of 2015, a petition was submitted to the Planning Department requesting annexation of the subject properties and the 11 acres. A request to zone the properties to R-3A was also submitted at the same time. Before the zoning request was considered at the November Planning Commission meeting, the owners of the subject properties requested their properties be withdrawn from the annexation petition and zoning request. The Planning Commission voted to table the request for the 11 acres at the November meeting partly because the withdrawal of the subject properties occurred days before the meeting, and because the Steering Committee for the *West Side Master Plan* recommended all annexations and zoning map amendments in the study area be suspended until the plan was adopted.

The Planning Commission held a public hearing on December 17, 2015 for the zoning request for the 11 acres and recommended the City Council table both that requested annexation and zoning until the *West Side Master Plan* was adopted or June of 2016, whichever comes first. The City Council voted to approve the annexation of the 11 acres and the R-3A zoning request in January of 2016. In February of 2016, the Planning Commission approved a subdivision layout plan for the 11 acres. The subdivision was named *Brentwood Manor* and consists of 29 lots.

The subject properties include three individual tracts. The property owners of tract 4 are James B. & Florence E. Rodman. Tract 4 is the largest of the three tracts with an area of 34.84 acres. The property fronts both Hardiman Road and Halsey Drive, which is a private drive. The property owners of Tract 5 are Fred Thomas & Peggy Hough. It fronts Hardiman Road and has an area 3.01 acres. The property

owners for Tract 6 are Kenneth E. & Susan Gunn. The property has an area of 0.98 acres and fronts Hardiman Road.

Mr. Blizzard provided the Commission some analysis regarding 18 subdivisions within the general area where new home construction is taking place and new phases are being added. The majority of these subdivisions are less than five years old. The exceptions are *Greenbrier Woods* and *Stillwater Cove* where the first phases received final plat approval in 2010. Of the subdivisions listed, the total number of lots receiving layout approval is 3,278, and of that total 829 lots have received final plat approval. When fully developed those 829 lots that have received final plat approval could produce an estimated population of 2,313 residents. This number was reached by using a multiplier of 2.79 persons per household. Subdivisions such as *Greenbrier Woods* and *Stillwater Cove* have several phases that are close to being built out. However, the majority of these subdivisions still have a significant number of platted lots available for new home construction. The total build out of the remaining 2,449 lots approved with a layout plan could produce an estimated population of 6,833 residents.

Mr. Blizzard added that the *Major Street Plan* recommends that Hardiman Road be extended west to intersect Segers Road, in the location where Halsey Road currently exists. The 829 lots that have received final plat approval in the 18 subdivisions previously mentioned, could produce 8,290 trips per day and the remaining 2,449 lots that have layout plan approval could produce 24,490 trips per day. The majority of this traffic will be distributed onto Burgreen Road, Segers Road, Powell Road and Huntsville – Browns Ferry Road. The *2035 Major Street Plan* recommends these roads be widened to at least three lanes and Huntsville – Browns Ferry Road to at least four lanes.

Mr. Blizzard stated that efforts are underway to develop a list of “place types” for the *Westside Master Plan* study area. He noted that, “Place types” are similar to land uses that would be part of a Future Land Map, except they define the type of designation desired at a particular location more than a list of approved uses. “Place types” can consist of categories like “town center”, “neighborhood centers” “suburban centers” and allow the City to strategically designate a “place type” to a particular location based upon street patterns, topography and environmental issues. Each “place type” would include a list of permitted uses, but also define the design requirements for permitted uses to achieve the form and function of a particular “place type.” “Place types” can also be used in combination with a traditional “Future Land Map” where important strategic locations are reserved for a “place type” and other less critical locations are designated with just a recommended land use. With the assistance of the Planning Department, the City’s consultant The Orion Group is currently developing this list of “place types.” An annexation policy is also being developed by the Orion Group to aid both city officials and the general public with the steps required for annexation and guidelines to evaluate the merits of each annexation. Eleven acres of the original submittal have already been annexed and zoned R3A. This factor in association with the location of the subject properties increases the likelihood of the properties receiving a residential designation on any new future land use map. The subject properties do not have any distinctive characteristics that would cause them to be designated with a “place type.”

Mr. Blizzard made reference of the one letter staff had received from Ms. Halsey and mentioned that it was included in the Planning Commission packets. He concluded that staff recommends approval of Concord Land Development, Inc.’s request to zone the subject properties to *R-3A, Single-Family Detached Residential* upon annexation. The Planning Commission approved a layout plan for Brentwood Manor Subdivision at the February 18, 2016 meeting for the 11 acres, which the subject properties were

originally part of. The approved layout provided for lots with an average area of 12,000 square feet and lot width of 80 feet. The Planning Commission may want to consider requiring a similar density threshold for the subject properties.

Public Comments:

There were no comments from the public.

Commission Comments:

Councilman Potter recalled that the adjacent piece of property went to Council and the feeling was that the West Side Master Plan would not constrain everyone's property rights, in regards to the annexation, but rather each item would be handled on a case by case basis.

Mr. Brooks asked if Brentwood Manor had 12,000 square foot lots. Mr. Blizzard answered yes. Mr. Brooks asked about the minimum lot requirement in R-3A. Mr. Blizzard answered 7,500 square feet. Mr. Brooks asked what the intended density of this subdivision would be. Mr. Nash answered that they are still in the market research phase. He stated that his subdivision would have some diversity in lot size, but they would all meet the minimum 7,500 square foot requirement.

Chairman Bianca stated that the Planning Commission would address the lot size at the layout phase. The Commission concurred.

Motion:

Mr. Brooks moved to recommend that the City Council annex and zone property located south of Halsey Drive and west of Hardiman Road to R-3A, Single-Family Detached Residential District. Mrs. McCollum seconded the motion.

Final Vote:

| | |
|---------------------------------|-----|
| Chairman, Damian Bianca | Aye |
| Vice-Chairman, Troy Wesson | Aye |
| City Council Member Mike Potter | Aye |
| Cynthia McCollum | Aye |
| Steven Ryder | Aye |
| Cameron Grounds | Aye |
| Lewie Bates | Aye |
| Stephen Brooks | Aye |
| Tim Cowles | Aye |

Motion Carried

Subdivision Plats

Shiloh Run, Phase I – Preliminary Plat

Location: South of Browns Ferry Road and east of Millstone Subdivision

Representative: Goodwyn, Mills, Cawood

Applicant/Owner: Focus Investments, LLC

Lots: 43

Acreage: 42.03 Acres

Applicant Comments:

John Hoover, representing Goodwyn, Mills, Cawood presented the request for preliminary plat approval.

Staff Comments:

Mr. Blizzard informed the Commission that the subject property is located south of Browns Ferry Road and east of *Millstone Subdivision*. In June of 2015, the Planning Commission approved a certified plat for *Marvin Stewart, Phase 1* that re-subdivided Lot 2 of *Marvin Stewart Subdivision* into two tracts. The subject property was platted as Tract 1 with an area of 42.03 acres and fronts Browns Ferry Road. The remaining Tract 2 has an area of 24.56 acres and fronts Mill Road. The purpose of the subdivision plat was to prepare Tract 1 for sale and development.

In August of 2015, the City Council voted to rezone Tract 1 of *Marvin Stewart Subdivision* from AG, *Agriculture* to R3A, *Single-Family Detached Residential*. The remaining Tract 1 was not included in the rezoning and remains AG, *Agriculture*.

Mr. Blizzard explained that the applicant is requesting approval of the preliminary plat and construction plans for *Shiloh Run, Phase 1*. The approval will authorize the development of 43 lots, 2 common areas, 1 tract and related infrastructure. The development of Phase 1, will establish the entrance from Browns Ferry Road. The area to be developed will be toward the western boundary of the subject property and adjacent to *Millstone Subdivision*. The two common areas to be platted with Phase 1 will be for the location of the subdivision identification signs. The remaining 21.85 acres will make up Tract A. A wetland and pond are located at the eastern end of Tract A and will not be disturbed with the development of Phase 1. The *Special Hazard Area Zone A* also crosses Tract A near the east and south boundary. None of the lots to be developed with Phase 1 are within a *Special Flood Hazard Area*. The smallest lot to be platted with phase 1 will be 14,044 square feet.

Mr. Blizzard concluded that The Technical Review Committee recommends approval of the preliminary plat and construction plans for *Shiloh Run, Phase 1*, with the contingencies noted in the staff report. He also told the Commission that the applicant has requested to change the subdivision name to Willow Creek, Phase I and that this was the stage where the name change request occurs.

Public Comments:

There were no comments from the public.

Commission Comments:

Mr. Brooks asked about the retaining wall located in the easement. Mr. Blizzard explained that no permanent structures are to be located in easements and that staff is working with the applicant to resolve the situation.

Mr. Cowles asked where the fences were to be located and how they would affect the lots. Mr. Blizzard showed the location of the fences and highlighted the significant change in elevation to further show the need for the retaining walls.

Councilman Potter asked if there will be pipes and utilities underground. Mr. Blizzard answered that there would be at the construction phase. Mr. Chynoweth answered that the retaining wall will run simultaneously with the drainage pipe and that the wall will be maintainable separately from the pipes. He added that even with the wall, there will be plenty of room to work and access the pipes if needed.

Mr. Wesson asked if there would be signs located in the landscape easement. Mr. Blizzard answered that signs cannot be located in easements, they are required to be in common areas.

Councilman Potter asked if there would be sidewalks located on Brownsferry Road. Mr. Blizzard answered that there would be.

Motion:

Mr. Brooks motioned to approve Willow Creek, Phase I Preliminary Plat subject to the following comments.

Planning Department Comments:

1. Cover Sheet: Signatures:
 - 1) Madison Utilities
2. Sheet 5: Requires signature
3. *Sheet 6: Perimeter Easement → Retaining wall for Landscaping?*

Engineering Department Comments:

1. Need spot elevations for sidewalks and h/c ramps
2. Is profile correct at STA 7+75 – Sheet 12?
3. Need ADEM permit
4. Storm drainage line E, turn discharge pipe west in flow line of ditch.
5. Need more easement for ditch on lots 24 & 25 (perimeter easement)
6. Need bearing and distance on lot 7 easement

He also included that his motion of approval gave staff the discretion on the retaining wall in the easement. Mr. Bates seconded the motion.

Final Vote:

| | |
|---------------------------------|-----|
| Chairman, Damian Bianca | Aye |
| Vice-Chairman, Troy Wesson | Aye |
| City Council Member Mike Potter | Aye |
| Cynthia McCollum | Aye |
| Steven Ryder | Aye |
| Cameron Grounds | Aye |
| Lewie Bates | Aye |
| Stephen Brooks | Aye |
| Tim Cowles | Aye |

Motion Carried

Nature's Trail, Phase I – Final Plat

Location: North of Powell Road and east of Bowers Road

Representative: Mullins, LLC
Applicant/Owner: Smart Living, LLC
Lots: 48 lots and 1 tract
Acreage: 62.05

Applicant Comments:

There were no comments from the applicant.

Staff Comments:

Mr. Blizzard informed the Commission that in November of 2014, the Planning Commission approved a layout plan for 122 lots on 62.05 acres. The Cole Family retained 26.21 acres of the subject property. In June of 2015, the Planning Commission approved the preliminary plat and construction plans for *Nature's Trail, Phase 1*. The approval allowed for the development of 48 lots and related infrastructure.

The applicant received final plat approval for *Nature's Trail, Phase 1* at the January 21, 2016, Planning Commission Meeting and the submission of performance bonds was one of the contingencies. The applicant failed to submit the performance bonds within 45 days of the January 21st meeting, and the approval became null and void. As a result, the applicant is resubmitting the same subdivision plat for final plat approval.

Mr. Blizzard concluded that the Technical Review Committee recommends approval of the final plat for *Nature's Trail, Phase 1* with the contingencies noted in the staff report.

Public Comments:

There were no comments from the public.

Commission Comments:

There were no comments from the Commission.

Motion:

Mr. Brooks motioned to approve Nature's Trail, Phase I Final Plat with the following contingencies:

Planning Department Comments:

1. Submit sign fees
2. Signatures:
 - 1) Dedication
 - 2) Notary's Acknowledgement
 - 3) Athens Utilities
 - 4) North Alabama Gas
 - 5) Limestone County W&S

Engineering Department Comments:

1. Submit performance bonds

Mr. Ryder seconded the motion.

Final Vote:

| | |
|---------------------------------|-----|
| Chairman, Damian Bianca | Aye |
| Vice-Chairman, Troy Wesson | Aye |
| City Council Member Mike Potter | Aye |
| Cynthia McCollum | Aye |
| Steven Ryder | Aye |
| Cameron Grounds | Aye |
| Lewie Bates | Aye |
| Stephen Brooks | Aye |
| Tim Cowles | Aye |
| Motion Carried | |

(PUBLIC HEARING CLOSED)

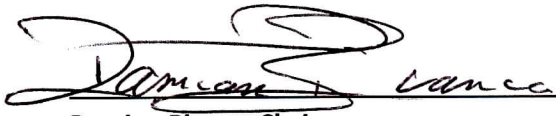
New Business

Mary Beth Broeren discussed CAPZO training for the Planning Commission and the Planning budget constraints. Training for Commission members will be proposed in next fiscal year's budget. The Commission concurred and stressed the importance and their desire to maintain their CAPZO certification.

ADJOURNMENT

Chairman Bianca adjourned the meeting at 6:00 p.m.

Minutes Approved



Damian Bianca, Chairman

ATTEST:



Ross Ivey, Assistant Planner and Recording Secretary